IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

WP(C).No. 32021 of 2007(K)

PETITIONER:

RAVINDRAN P.,
CORPORAL (CPL), RADIO FITTER, I.L.76, TECH FLIGHT,
12 WING AIR FORCE, AIR FORCE STATION, CHANDIGARH,
CHANDIGARH-160 003.

BY ADV. SRI.ELVIN PETER P.J.

RESPONDENTS:

1. UNION OF INDIA,
   REPRESENTED BY ITS SECRETARY,
   MINISTRY OF DEFENCE,
   NEW DELHI.

2. THE AIR CHIEF MARSHAL,
   CHIEF OF AIR STAFF,
   AIR HEAD QUARTERS, NEW DELHI.

3. AIR OFFICER COMMANDING,
   12 WING, AIR FORCE,
   AIR FORCE STATION, CHANDIGARH,
   CHANDIGARH-160 003.

4. THE CHAIRMAN,
   RAILWAY RECRUITMENT BOARD,
   THAMBANOOR,
   THIRUVANANTHAPURAM-695 001.

5. THE DIRECTOR OF PERSONAL AFFAIRS,
   AIR HEAD QUARTERS,
   VAYUBHAVAN, NEW DELHI.

R4 BY ADV. SRI.N.B.SUNIL NATH,SC, RAILWAYS
R1 TO R3 & R5 BY ADV.SRI.P.PARAMESWARAN NAIR,
ASST.SOLICITOR GENERAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

W.P.(C).No.32021 of 2007

Dated this the 1st day of November, 2007.

JUDGMENT

The petitioner, who is a Radio Fitter in the Indian Air Force, has completed 7 years of service there. When the 4th respondent, the Railway Recruitment Board invited applications as per Ext.P2 for the post of an Assistant Station Master, the petitioner submitted his application before the Air Officer Commanding, 3rd respondent. The same was forwarded to the 4th respondent. Petitioner was called for a written test. He appeared. Thereafter the petitioner was asked to produce No Objection Certificate from the first respondent. Apparently, a decision is yet to be taken as to whether a No Objection Certificate is to be issued to the petitioner in relation to the appointment sought for with the 4th respondent. The last date for production of the said No

Objection Certificate is now to expire on 2.11.2007.

2. Mr.N.B.Sunil Nath, standing counsel for Railways, has filed a statement to the effect that the 4th respondent has no objection in allowing two more weeks' time for submission of the No Objection Certificate.

3. Standing counsel for respondents 1 to 3 submits that it is upto the Air Headquarters to take a decision as to the issuance of the No Objection Certificate. From Ext.P1, it is seen that the No Objection Certificate is to be obtained from Air Headquarters (Directorate of Personal Affairs), the 5th respondent. The petitioner's request for No Objection Certificate is now pending with the 5th respondent.

4. In the facts and circumstances of the case, there will be a direction to the 5th

respondent to consider the petitioner's request for No Objection Certificate, as mentioned in Ext.P7 and take a decision thereon, within a period of two weeks from today. I make it clear that I have not considered the merits of the claim made by the petitioner and it is upto the 5th respondent to pass orders in accordance with law and in the light of the Rules and Regulations.

Writ petition is disposed of as above.

Sd/-

(V.GIRI)

JUDGE

sk/

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